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*Nutrition Distribution LLC*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

NUTRITION DISTRIBUTION LLC,  
an Arizona Limited Liability  
Company,

Plaintiff,

vs.

KING PEPTIDES LLC, a Florida  
Limited Liability Company; AARON  
SINGERMAN, an individual; PJ  
BRAUN, an individual; UNLIMITED  
PRODUCTS AND SOLUTIONS,  
LLC a Limited Liability Company;  
IAN RICH, an individual; and DOES  
1 through 10, inclusive,

Defendants.

CASE NO. 2:16-cv-00451 - DLR

**FIRST AMENDED COMPLAINT  
FOR FALSE ADVERTISING IN  
VIOLATION OF THE LANHAM  
ACT § 42 (a)(1)(B))**

**[DEMAND FOR A JURY TRIAL]**

1 Plaintiff Nutrition Distribution, LLC, dba Athletic Xtreme (“ND” or “Plaintiff”),  
2 by and through its undersigned attorneys, submits this Complaint against defendant King  
3 Peptides LLC, Aaron Singerman, PJ Braun, Unlimited Products and Solutions, LLC, and  
4 Ian Rich (“King Peptides” or “Defendant”), and in support thereof, avers as follows:

### 5 **INTRODUCTION**

6 1. This is a civil action arising out of Defendant’s false and misleading  
7 advertising and statements in connection with its various purported “research peptides,”  
8 including but not limited to, its Growth Hormone Releasing Hormone (“CJC-1295”),  
9 Growth Hormone Releasing Peptide-2 (“GHRP-2”), Growth Hormone Releasing  
10 Peptide-6 (“GHRP-6”), Mechano Growth Factor (“MGF”), and Melanotan products  
11 (collectively, the “Research Peptides”). As evidenced by King Peptides’ representations  
12 on its website, these “Research Peptides” are unlawfully marketed and misbranded as  
13 “not for human consumption” and “intended for laboratory research purposes only.”  
14 Contrary to these “disclaimers,” King Peptides’ advertisements claim that its “Research  
15 Peptides” will provide numerous purported benefits to consumers seeking to enhance  
16 their physiques, including but not limited to, increasing the production of human growth  
17 hormone, promoting muscle gain and strength, weight loss, anti-aging properties,  
18 increasing lean body mass, and reducing body fat.

19 2. Peptides are chemical compounds containing 2 or more amino acids linked  
20 by the carboxyl group of 1 amino acid and the amino group of another. Critically,  
21 peptides cannot be dispensed for human use without a prescription from a licensed  
22 medical practitioner due to their toxicity and potential for harmful effect.

23 3. Despite the foregoing, there is an illegitimate market for peptides among  
24 bodybuilders, competitive athletes, and others seeking to enhance their physiques, since it  
25 is believed that the use of these substances will enhance muscle development, among  
26 other potential physical benefits.

27 4. Contrary to King Peptides’ various disclaimers that its “Research Peptides,”  
28 are “not for human consumption” and “intended for laboratory research purposes only,”

1 King Peptides clearly markets and advertises products to consumers seeking to alter the  
2 structure and function of their bodies. Thus, as demonstrated below, King Peptides’  
3 “Research Peptides” are actually “drugs,” “new drugs,” and/or “prescription drugs” as  
4 defined by the United States Federal Food, Drug, and Cosmetic Act (“FDCA”). Indeed,  
5 King Peptides’ various “disclaimers” and intentional mislabeling is nothing more than a  
6 scheme to defraud authorities and to avoid Food and Drug Administration (“FDA”)  
7 scrutiny.

8 5. Defendant’s continuing false, misleading, illegal and deceptive practices  
9 violate the Lanham Act, have unjustly enriched Defendant at the expense of Plaintiff, and  
10 have caused Plaintiff extensive and irreparable harm, including but not limited to, loss of  
11 revenue, disparagement, and loss of goodwill.

12 6. Among other things, this action seeks to enjoin Defendant from the  
13 marketing and sale of its “Research Peptides,” as Defendant is illegally and falsely  
14 marketing such products in violation of the Lanham Act.

### 15 **JURISDICTION AND VENUE**

16 7. This Court has subject matter jurisdiction over this action pursuant to 15  
17 U.S.C. § 1121 and 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. 1332  
18 (diversity jurisdiction) because Plaintiff asserts causes of action arising under federal law  
19 and the parties are citizens of different states and the controversy exceeds the value of  
20 \$75,000.

21 8. This Court has personal jurisdiction over King Peptides because Defendant  
22 has, directly or through its intermediaries (including distributors, retailers, and others),  
23 developed, licensed, manufactured, shipped, distributed, offered for sale, sold, and  
24 advertised its products in the United States, the State of Arizona, and this district,  
25 including but not limited to, the “Research Peptides” at issue here. Defendant has  
26 purposefully and voluntarily placed these products into the stream of commerce with the  
27 expectation that they will be purchased in this district.

1           9.     Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2)  
2 because a substantial part of the events or omissions which gave rise to the claim  
3 occurred in this district. *See Rowpar Pharm., Inc. v. Lornamead, Inc.*, No. CV13-01071-  
4 PHX DGC, 2013 WL 5530825 (D. Ariz. Oct. 7, 2013) (finding venue in Arizona proper).  
5 Alternatively, venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(3).

6                                   **PARTIES**

7           10.    Plaintiff Nutrition Distribution, LLC, dba Athletic Xtreme (“ND” or  
8 “Plaintiff”) is an Arizona limited liability company with its principal place of business at  
9 14215 N. 8th Pl., Phoenix, Arizona, 85022.

10          11.    Defendant King Peptides LLC (“King Peptides” or “Defendant”) was  
11 registered as a Florida limited liability company, with its principal business address listed  
12 as 9605 Parkview Avenue, Boca Raton, Florida 33428.

13          12.    Defendant Aaron Singerman is an individual residing in Florida and a  
14 member of King Peptides LLC.

15          13.    Defendant PJ Braun is an individual residing in Florida and a member of  
16 King Peptides LLC.

17          14.    Defendant Unlimited Products and Solutions, LLC is a Florida Limited  
18 Liability Company.

19          15.    Defendant Ian Rich is an individual residing in Florida.

20          16.    Plaintiff is ignorant of the true names and capacities of defendants sued  
21 herein as Does 1- 10, inclusive, and therefore sued these defendants by such fictitious  
22 names. Plaintiff will amend this Complaint to allege their true names and capacities  
23 when ascertained. Plaintiff is informed and believes and thereon alleges that each of  
24 these fictitiously named defendants is responsible in some manner for the occurrences  
25 herein alleged, and that Plaintiff’s injuries as herein alleged were proximately caused by  
26 the aforementioned defendants.

1 **FACTUAL ALLEGATIONS**

2 17. The nutritional supplement industry is one of the fastest growing and most  
3 lucrative in the United States. A recent Forbes article estimates that nutritional  
4 supplement sales accounted for \$32 billion in revenue in 2012 and predicts this number  
5 to grow to \$60 billion within ten years. The growth and size of the nutritional  
6 supplement market and the relatively low barriers to entry provide perverse incentives for  
7 unfair competition prohibited by the Lanham Act and other illegal activity.

8 **Plaintiff Nutrition Distribution & “Mass FX Black”**

9 18. Plaintiff is a cutting edge sports supplement manufacturer and marketer.  
10 From its inception, Plaintiff was a leader in the nutritional supplement market,  
11 specifically for bodybuilding.

12 19. Plaintiff has several categories of bodybuilding products, including pre-  
13 workouts, muscle-gainers, fat burners, and male performance enhancement.

14 20. Around 2011, Plaintiff began developing a new product in the muscle-gainer  
15 sub-market of the nutritional supplement world.

16 21. After devoting its resources for over a year on product development and  
17 testing, Plaintiff introduced “Mass FX Black” in April 2013.

18 22. In addition to “Mass FX Black,” Plaintiff has introduced numerous natural  
19 nutritional supplements that directly compete with Defendant’s “Research Peptides,”  
20 including but not limited to, “Advanced PCT,” “Ultra Reps,” “Stacked BCAA,”  
21 “SuperSize,” “Gym Juice,” and “German Creatine.”

22 **Defendant King Peptides And Its Purported “Research Peptides”**

23 23. Defendant King Peptides is a competing supplement company in Florida.

24 24. King Peptides is engaged in false and misleading advertising with respect to  
25 its various purported “Research Peptides,” including but not limited to, Growth Hormone  
26 Releasing Hormone (“CJC-1295”), Growth Hormone Releasing Peptide-2 (“GHRP-2”),  
27 Growth Hormone Releasing Peptide-6 (“GHRP-6”), Mechano Growth Factor (“MGF”),  
28 and Melanotan II. As evidenced by King Peptides’ representations on its website, these

1 “Research Peptides” are unlawfully marketed and misbranded as “not for human  
2 consumption” and “intended for laboratory research purposes only.” Contrary to these  
3 “disclaimers,” King Peptides’ advertisements claim that its “Research Peptides” will  
4 provide numerous purported benefits to consumers seeking to enhance their physiques,  
5 including but not limited to, increasing the production of human growth hormone,  
6 promoting muscle gain and strength, weight loss, anti-aging properties, increasing lean  
7 body mass, and reducing body fat.

8 25. King Peptides is not shielded from liability merely by labeling its products  
9 as “research peptides,” which are purportedly “not for human consumption” and  
10 “intended for laboratory research purposes only.” To the contrary, King Peptides clearly  
11 markets and advertises its “Research Peptides” to consumers seeking to alter the structure  
12 and function of their bodies, including bodybuilders and other competitive athletes.

13 26. King Peptides makes the following representations on its website, which  
14 demonstrate that the intended use of its “Research Peptides” are in fact intended for  
15 human use:

- 16 a. “GHRP-2 substantially stimulates the pituitary gland’s increased  
17 natural production of the body’s own endogenous human growth  
18 hormone. GHRP2 has shown on its own to robustly increase IGF-1  
19 levels, and even greater results occurred when used with Growth  
20 Hormone Releasing Hormone to which also stimulates the pituitary  
21 gland to produce increased natural secretion of human growth  
22 hormone. This also boosts the hypothalamus function as well.”

23 27. “The major side effect accompanied by the use of GHRP-6 or other GH  
24 secretagogues is a significant increase in appetite because secretagogues mimic the action  
25 of Ghrelin, a peptide which is released naturally in the lining of the stomach and  
26 increases hunger and gastric emptying. GHRP-6, other secretagogues and ghrelin  
27 stimulate the anterior pituitary gland causing an increase in GH release.” Thus, King  
28 Peptides’ “Research Peptides” are plainly not “for laboratory use only.” Rather, the

1 language asserting that King Peptides products are “not for human consumption” are a  
2 dog whistle to bodybuilders who purchase hardcore drugs without being informed of the  
3 risks.

4 28. Indeed, many of the products sold by king peptides are either  
5 pharmaceuticals or otherwise harmful to humans. Defendants fail to disclose the  
6 negative effects of their products.

## 8 **CLAIMS FOR RELIEF**

### 9 **FIRST CLAIM FOR RELIEF**

#### 10 **(False Advertising in Violation of Section 43(a)(1)(B) of the Lanham Act)**

11 29. Plaintiff incorporates the allegations contained in the foregoing paragraphs  
12 as though fully set forth herein in their entirety.

13 30. King Peptides has purposely made false and misleading descriptions of fact  
14 concerning the nature, characteristics and qualities of the products it promotes and sells  
15 on its website, including its various purported “Research Peptides.” As evidenced by  
16 King Peptides’ representations on its website, these “Research Peptides” are unlawfully  
17 marketed and misbranded as “not for human consumption” and “intended for laboratory  
18 research purposes only.” Contrary to these “disclaimers,” King Peptides’ advertisements  
19 claim that its “Research Peptides” will provide numerous purported benefits to  
20 consumers seeking to enhance their physiques, including but not limited to, increasing  
21 the production of human growth hormone, promoting muscle gain and strength, weight  
22 loss, anti-aging properties, increasing lean body mass, and reducing body fat.

23 31. Defendant’s false and misleading advertising has the tendency to deceive a  
24 substantial segment of the public into believing that they are purchasing a product with  
25 different characteristics. Defendants fail to disclose the harmful side effects of their  
26 products, including severe liver damage.

27 32. The deception is material because it is likely to influence a consumer’s  
28 purchasing decision, especially if the consumer is unaware of the serious risks of using

1 these purported “Research Peptides.” By falsely advertising their product as “NOT FOR  
2 HUMAN CONSUMPTION” Defendants attempt to get an end-around proper disclosures  
3 of the negative side-effects of its products, such as severe liver damage which their  
4 customers are not informed of.

5 33. King Peptide’s “Research Products” directly compete with Plaintiff’s  
6 products, including but not limited to, its bodybuilding supplement “Mass FX,” as well as  
7 its various other natural nutritional supplements, “Advanced PCT,” “Ultra Reps,”  
8 “Stacked BCAA,” “SuperSize,” “Gym Juice,” and “German Creatine.”

9 34. Defendant has introduced false statements into interstate commerce via  
10 marketing and advertising on various websites and shipment of their products into  
11 interstate commerce containing false advertising.

12 35. Plaintiff has suffered both an ascertainable economic loss of money and  
13 reputational injury by the diversion of business from Plaintiff to King Peptides and the  
14 loss of goodwill in Plaintiff’s natural nutritional products. Indeed, Defendant’s conduct  
15 is a black eye on the industry as a whole, and has the tendency to disparage Plaintiff’s  
16 products and goodwill. Defendants have created an illegitimate marketplace for  
17 bodybuilding supplements that directly compete with Plaintiff’s products. Bodybuilders  
18 are drawn to Defendants “hard-core” products to the detriment of Plaintiff and the  
19 marketplace as a whole.

20 36. King Peptide’s actions, as described above, constitute false and misleading  
21 descriptions and misrepresentations of fact in commerce that, in commercial advertising  
22 and promotion, misrepresent the nature, characteristics, and qualities of their products in  
23 violation of Section 43(a)(1)(B) of the Lanham Act.

## 24 **SECOND CLAIM FOR RELIEF**

25 **(Violation of RICO)**

26 **(against all Defendants)**

27 37. Plaintiff incorporates the allegations contained in the foregoing paragraphs  
28 as though fully set forth herein in their entirety.



1           38. Under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 301(g)(1) the  
2 term “drug” includes (1) any articles intended for use in the diagnosis, cure, mitigation,  
3 treatment, or prevention of disease in man or other animals, and (2) articles (other than  
4 food) intended to affect the structure or any function of the body of man or other animals.

5           39. The introduction or delivery for introduction into interstate commerce of any  
6 misbranded drug is prohibited 21 U.S.C. § 331(a). Misbranding encompasses dispensing  
7 without a prescription a drug intended for use by which, “because of its toxicity or other  
8 potentiality for harmful effect, or the method of its use, or the collateral measures  
9 necessary to its use, is not safe for use except under the supervision of a practitioner  
10 licensed by law to administer such drug.” 21 U.S.C. § 353(b)(1). A drug is also  
11 misbranded where its labeling was false or misleading in any particular (§ 352(a)), where  
12 its labeling does not bear adequate directions for use (§ 352(f)(1)), or where the drug was  
13 manufactured, prepared, propagated, compounded or processed in an establishment not  
14 registered with the Secretary of Health and Human Services (§ 352(o)). The introduction  
15 or delivery for introduction into interstate commerce of a misbranded drug is a felony. (§  
16 333(a)(2)).

17           40. “Peptides” are chemical compounds containing 2 or more amino acids  
18 linked by the carboxyl group of 1 amino acid and the amino group of another. Due to  
19 their toxicity or potential for harmful effect, peptides cannot be dispensed for human use  
20 without a prescription from a licensed medical practitioner.

21           41. There is an illegitimate market for peptides among body builders and others  
22 who engage in weight training, since it is believed that the use of these substances  
23 enhance muscle development.

24           42. Defendants Singerman and Braun formed King Peptides in 2014 to  
25 capitalize on the market for these illegal goods. Kingpeptides.com (the “Site”) is  
26 engaged in a comprehensive scheme to obtain money and property by means of false and  
27 fraudulent pretenses, representations and promises, including the illicit sale of peptides  
28 and other pharmaceuticals labeled as “research chemicals.” In 2015, ownership of the

1 Site changes hands and it is now run by Unlimited Products and Solutions, LLC, listing  
2 “Ian Rich” as its only member.

3 43. On the Site, several misbranded drugs are listed under tabs “peptides”  
4 “research liquids” and “research chemicals.” Additionally, there are disclaimers on the  
5 Site that are part of a scheme designed to deceive regulators and internet service  
6 providers, but have no basis in reality.

7 44. The drugs sold on the site are bodybuilding drugs, including the following:  
8 Anastrozole, used treat breast cancer (body builders use it to downcycle from steroid  
9 use); Clenbuterol, a sympathomimetic amine used by sufferers of breathing disorders as a  
10 decongestant (bodybuilders use it to burn fat); Sildenafil (Viagra), used for erectile  
11 dysfunction and popular in the body building community to counteract the side effects of  
12 other drugs. Additionally, the Site sells peptides like Melanotan II, GHRP-6 and PT-141.

13 45. Illegal distribution of peptides, research liquids, and research chemicals is  
14 facilitated by use of the Internet, through which substances could be sold without a  
15 prescription by sources in other countries, including the People’s Republic of China. The  
16 Conspiracy Defendants have knowingly sold the above drugs and peptides to be  
17 delivered by commercial interstate carrier.

18 46. The Conspiracy Defendants have violated the substantive RICO statute, 18  
19 U.S.C.A. § 1962 as detailed above by receiving income from a pattern of racketeering  
20 activity engaging in interstate commerce. Defendants have conspired among themselves  
21 to engage in the above activity.

22 47. Plaintiff has been injured in his business or property by reason of the  
23 Conspiracy Defendants violation of section 1962 by, *inter alia*, the diversion of sales to  
24 the Site, which sells products directly in competition with Plaintiff’s products.

25 **DEMAND FOR JURY TRIAL**

26 Plaintiff hereby demands a trial by jury.  
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1. For preliminary and permanent injunctive relief enjoining Defendant from producing, licensing, marketing, and selling any purported “Research Peptides,” including but not limited to, Growth Hormone Releasing Hormone (“CJC-1295”), Growth Hormone Releasing Peptide-2 (“GHRP-2”), Growth Hormone Releasing Peptide-6 (“GHRP-6”), Mechano Growth Factor (“MGF”), and Melanotan II;
2. For an award of compensatory damages to be proven at trial;
3. For an award of any and all of Defendant’s profits arising from the foregoing acts in accordance with 15 U.S.C. § 1117 and other applicable laws;
4. For restitution of Defendant’s ill-gotten gains;
5. For treble damages;
6. For punitive damages;
7. For costs and attorneys’ fees; and
8. Any other relief the Court may deem appropriate.

DATED: April 22, 2016

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